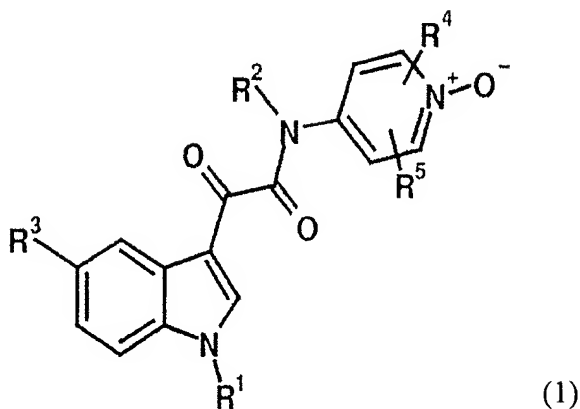


## IN THE CLAIMS

1. (currently amended) A compound of the formula 1 ±



wherein

~~in which~~

R<sup>1</sup>

- (i) is -C<sub>1-10</sub>-alkyl, straight-chain or branched-chain, optionally mono- or polysubstituted by -OH, -SH, -NH<sub>2</sub>, -NHC<sub>1-6</sub>-alkyl, -N(C<sub>1-6</sub>-alkyl)<sub>2</sub>, -NHC<sub>6-14</sub>-aryl, -N(C<sub>6-14</sub>-aryl)<sub>2</sub>, -N(C<sub>1-6</sub>-alkyl)(C<sub>6-14</sub>-aryl), -NO<sub>2</sub>, -CN, -F, -Cl, -Br, -I, -O-C<sub>1-6</sub>-alkyl, -O-C<sub>6-14</sub>-aryl, -S-C<sub>1-6</sub>-alkyl, -S-C<sub>6-14</sub>-aryl, -SO<sub>3</sub>H, -SO<sub>2</sub>C<sub>1-6</sub>-alkyl, -SO<sub>2</sub>C<sub>6-14</sub>-aryl, -OSO<sub>2</sub>C<sub>1-6</sub>-alkyl, -OSO<sub>2</sub>C<sub>6-14</sub>-aryl, -COOH, -(CO)C<sub>1-5</sub>-alkyl, -COO-C<sub>1-5</sub>-alkyl, -O(CO)C<sub>1-5</sub>-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by

mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C<sub>6-14</sub>-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -C<sub>1-6</sub>-alkyl,

-OH, -NH<sub>2</sub>, -NHC<sub>1-6</sub>-alkyl, -N(C<sub>1-6</sub>-alkyl)<sub>2</sub>, -NO<sub>2</sub>, -CN, -F, -Cl, -Br, -I, -O-C<sub>1-6</sub>-alkyl, -S-C<sub>1-6</sub>-alkyl,

-SO<sub>3</sub>H, -SO<sub>2</sub>C<sub>1-6</sub>-alkyl, -OSO<sub>2</sub>C<sub>1-6</sub>-alkyl, -COOH,

-(CO)C<sub>1-5</sub>-alkyl, -COO-C<sub>1-5</sub>-alkyl or/and -O(CO)C<sub>1-5</sub>-alkyl, and where the alkyl groups on the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -OH, -SH, -NH<sub>2</sub>, -F, -Cl, -Br, -I, -SO<sub>3</sub>H or/and -COOH, or

(ii) is -C<sub>2-10</sub>-alkenyl, mono- or polyunsaturated, straight-chain or branched-chain, optionally mono- or polysubstituted by -OH, -SH, -NH<sub>2</sub>, -NHC<sub>1-6</sub>-alkyl, -N(C<sub>1-6</sub>-alkyl)<sub>2</sub>, -NHC<sub>6-14</sub>-aryl, -N(C<sub>6-14</sub>-aryl)<sub>2</sub>, -N(C<sub>1-6</sub>-alkyl)(C<sub>6-14</sub>-aryl), -NO<sub>2</sub>, -CN, -F, -Cl, -Br, -I, -O-C<sub>1-6</sub>-alkyl, -O-C<sub>6-14</sub>-aryl, -S-C<sub>1-6</sub>-alkyl, -S-C<sub>6-14</sub>-aryl, -SO<sub>3</sub>H, -SO<sub>2</sub>C<sub>1-6</sub>-alkyl, -SO<sub>2</sub>C<sub>6-14</sub>-aryl, -OSO<sub>2</sub>C<sub>1-6</sub>-alkyl, -OSO<sub>2</sub>C<sub>6-14</sub>-aryl, -COOH, -(CO)C<sub>1-5</sub>-alkyl, -COO-C<sub>1-5</sub>-alkyl or/and -O(CO)C<sub>1-5</sub>-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C<sub>6-14</sub>-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -C<sub>1-6</sub>-alkyl,

-OH, -NH<sub>2</sub>, -NHC<sub>1-6</sub>-alkyl, -N(C<sub>1-6</sub>-alkyl)<sub>2</sub>, -NO<sub>2</sub>, -CN, -F, -Cl, -Br, -I, -O-C<sub>1-6</sub>-alkyl, -S-C<sub>1-6</sub>-alkyl, -SO<sub>3</sub>H, -SO<sub>2</sub>C<sub>1-6</sub>-alkyl, -OSO<sub>2</sub>C<sub>1-6</sub>-alkyl, -COOH,

-(CO)C<sub>1-5</sub>-alkyl, -COO-C<sub>1-5</sub>-alkyl or/and -O(CO)C<sub>1-5</sub>-alkyl,

and where the alkyl groups on the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -OH, -SH, -NH<sub>2</sub>,

-F, -Cl, -Br, -I, -SO<sub>3</sub>H or/and -COOH,

R<sup>2</sup> is hydrogen or -C<sub>1-3</sub>-alkyl,

R<sup>3</sup> is a hydroxyl group,

R<sup>4</sup> and R<sup>5</sup> may be identical or different and are hydrogen, -C<sub>1-6</sub>-alkyl, -OH, -SH, -NH<sub>2</sub>, -NHC<sub>1-6</sub>-alkyl, -N(C<sub>1-6</sub>-alkyl)<sub>2</sub>, -NO<sub>2</sub>, -CN, -SO<sub>3</sub>H, -SO<sub>3</sub>-C<sub>1-6</sub>-alkyl, -COOH, -COO-C<sub>1-6</sub>-alkyl, -O(CO)-C<sub>1-5</sub>-alkyl, -F, -Cl, -Br, -I, -O-C<sub>1-6</sub>-alkyl, -S-C<sub>1-6</sub>-alkyl, -phenyl or -pyridyl, where the phenyl or pyridyl substituents in turn may optionally be substituted one or more times by -C<sub>1-3</sub>-alkyl, -OH, -SH, -NH<sub>2</sub>, -NHC<sub>1-3</sub>-alkyl, -N(C<sub>1-3</sub>-alkyl)<sub>2</sub>, -NO<sub>2</sub>, -CN, -SO<sub>3</sub>H, -SO<sub>3</sub>C<sub>1-3</sub>-alkyl, -COOH, -COOC<sub>1-3</sub>-alkyl, -F, -Cl, -Br, -I, -O-C<sub>1-3</sub>-alkyl, -S-C<sub>1-3</sub>-alkyl, or/and -O(CO)C<sub>1-3</sub>-alkyl, and where the alkyl substituents in turn may optionally be substituted one or more times by -OH, -SH, -NH<sub>2</sub>, -F, -Cl, -Br, -I, -SO<sub>3</sub>H, -SO<sub>3</sub>C<sub>1-3</sub>-alkyl, -COOH, -COOC<sub>1-3</sub>-alkyl, -O-C<sub>1-3</sub>-alkyl, -S-C<sub>1-3</sub>-alkyl or/and -O(CO)-C<sub>1-3</sub>-alkyl,

~~or~~ and salts thereof of the compounds of formula 1.

2. (currently amended) A compound as claimed in claim 1 having ~~an~~ at least one asymmetric carbon atom in the D form, the L form and D,L mixtures, and in the case of a plurality of asymmetric carbon atoms also the diastereomeric forms.

3. (currently amended) A compound as claimed in claim 1 ~~or 2~~, wherein R<sup>2</sup> is hydrogen or a methyl group.

4. (currently amended) A compound as claimed in ~~one of claims 1 to 4,~~ claim 1 wherein at least one of R<sup>4</sup> and R<sup>5</sup> is a halogen atom.

5. (currently amended) A compound as claimed in ~~any of claims 1 to 4~~ selected from claim 1 selected from the group consisting of:

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-chlorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,4-dichlorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[5-hydroxy-1-(3-nitrobenzyl)-indol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,6-difluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(5-hydroxy-1-isobutylindol-3-yl)glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(1-cyclopropyl-methyl-5-hydroxyindol-3-yl)glyoxylamide;

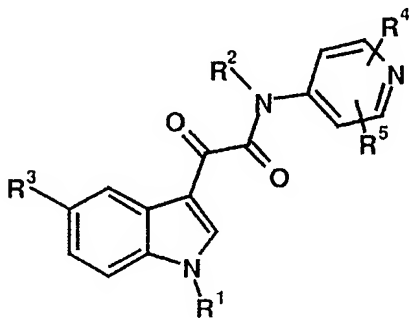
N-(3,5-dichloro-1-oxopyridin-4-yl)-[5-hydroxy-1-(4-hydroxybenzyl)-indol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-N-methyl-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide;

and physiologically tolerated salts thereof.

6. (currently amended)     A ~~The compound as claimed in any of claims 1 to 5 selected from:~~ of claim 1 that is N-(3,5-Dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide ~~and physiologically tolerated salts thereof.~~

7. (currently amended) A process for preparing a compound of claim 1, ~~comprising compounds of formula 1, which comprises~~ converting N-(pyridine-4-yl)-indol-3-ylglyoxylamides of ~~formula 2~~ formula 2



(2)

wherein R<sup>3</sup> is -OR<sup>6</sup>, and R<sup>6</sup> is a leaving group:

into the analogous N-(1-oxypyridin-4-yl)-indol-3-ylglyoxylamides of formula 1 ~~1~~ by treatment with an oxidizing agent, and liberating the compounds of formula 1 ~~formula 1~~ by eliminating a protective group.

8. (currently amended) The process as claimed in claim 7, wherein a ~~peracid, in particular m-chloroperbenzoic acid or/and peracetic acid, is used as said~~ oxidizing agent is at least one of a peracid or a peracetic acid.

9. (currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders in which inhibition of~~ A method of treating a disorder associated with phosphodiesterase 4 is therapeutically beneficial in a subject comprising administering a therapeutically effective amount of the compound of claim 1 to a subject in need thereof.

10.(currently amended) ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders~~ A method of treating a disorder associated with the effect of eosinophils

in a subject comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the disorder associated with eosinophils.

11.(currently amended)      ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of disorders~~ A method of treating a disorder associated with the effect of neutrophils comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the disorder associated with neutrophils.

12.(currently amended)      ~~The use of the compounds of formula 1 as claimed in any of claims 1 to 6 as therapeutic active ingredients for producing drug products for the treatment of~~ A method of treating a hyperproliferative disorders in a subject comprising administering a therapeutically effective amount of a compound according to claim 1 to the subject to treat the hyperproliferative disorder.

13.(currently amended)      ~~A drug product pharmaceutical composition comprising at least one compound one or more compounds as claimed in any of claims 1 to 6 in addition to claim 1 and at least one of a conventional physiologically tolerated carriers and/or diluents and excipients~~ carrier, diluent and excipient.

14.(currently amended)      ~~A process for producing a drug product pharmaceutically composition as claimed in claim 13, which comprises one or more compounds comprising admixing at least one compound as claimed in any of claims 1 to 6 being processed with at least one of a conventional pharmaceutical carriers and/or diluents and other excipients to pharmaceutical preparations, or being converted into a form which can be used therapeutically~~ carrier, diluent and excipient.

15.(currently amended)      ~~The use of compounds of the general formula 1 as claimed in any of claims 1 to 6 and/or of drug products as claimed in claim 13 alone or in combination with one another or in combination~~ A method of treating a disorder in a subject comprising administering a compound according to claim 1 to a subject with at least one other active pharmaceutical ingredients agent.

16.(new) A compound as claimed in claim 2 wherein R<sup>2</sup> is hydrogen or a methyl group.

17.(new) The compound of claim 1 that is a physiologically acceptable salt of N-(3,5-Dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-5-hydroxyindol-3-yl]glyoxylamide.

18.(new) The process of claim 7, wherein said oxidizing agent is m-chloroperbenzoic acid.

19.(new) A method of treating a disorder in a subject comprising administering a pharmaceutical composition according to claim 13 to a subject with at least one other active pharmaceutical agent.